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FORM PTO-1390 (REV. 5-93) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER: 146.1286

U.S. APPLICATION NO (If known, see 37 CFR 1.5): 09/068253

INTERNATIONAL APPLICATION NO	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/JP96/03333	November 14, 1996	November 17, 1995

TITLE OF INVENTION: CARTILAGE/BONE INDUCING MATERIALS FOR REPARATION

APPLICANT(S) FOR DO/EO/US: SHIMURA et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. [X] This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. [ ] This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. [ ] This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. [ ] A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. [X] A copy of the International Application as filed (35 U.S.C. 371(c)(2))
   a. [X] is transmitted herewith (required only if not transmitted by the International Bureau).
   b. [ ] has been transmitted by the International Bureau.
   c. [ ] is not required, as the application was filed in the United States Receiving Office (RO/US).
6. [X] A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. [ ] Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
   a. [ ] are transmitted herewith (required only if not transmitted by the International Bureau).
   b. [ ] have been transmitted by the International Bureau.
   c. [ ] have not been made; however, the time limit for making such amendments has NOT expired.
   d. [ ] have not been made and will not be made.
8. [ ] A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. [X] An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Unexecuted)
10. [ ] A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. [X] An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. [ ] An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. [X] A FIRST preliminary amendment.
    [ ] A SECOND or SUBSEQUENT preliminary amendment.
14. [ ] A substitute specification.
15. [ ] A change of power of attorney and/or address letter.
16. [X] Other items or information: Certificate of Corporate Register of HPC w/ English Translation & Certificate; Certificate of Corporate Register of HMR w/ English Translation & Certificate; Preliminary Examination Report w/ new page 8; Memo of Applicantship;

U.S. APPLICATION NO (If known, see 37 C.F.R. 1.5)	INTERNATIONAL APPLICATION NO	ATTORNEY'S DOCKET NUMBER
	PCT/JP96/03333	146.1286

17 [X] The following fees are submitted

	CALCULATIONS	PTO USE ONLY
Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO $830.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) $640.00		
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) $710.00		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37CFR 1.445(a)(2)) paid to USPTO..... $950.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) $90.00		
ENTER APPROPRIATE BASIC FEE AMOUNT =	$1070.00	
Surcharge of $130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(c)).	$	

Claims	Number Filed	Number Extra	Rate	
Total Claims	-20 =		X $22.00	$
Independent Claims	-3 =		X $74.00	$
Multiple dependent claims(s) (if applicable)			+ $230.00	$

TOTAL OF ABOVE CALCULATIONS =	$	1070.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).	$	
SUBTOTAL =	$	1070.00
Processing fee of $130.00 for furnishing the English translation later the [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +	$	
TOTAL NATIONAL FEE =	$	1070.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +	$	
TOTAL FEES ENCLOSED =	$	1070.00
Amount to be: refunded	$	
charged	$	

a. [X] A check in the amount of $1070.00 to cover the above fees is enclosed.

b. [ ] Please charge my Deposit Account No. _____ in the amount of $_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2275. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

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19,683
REGISTRATION NUMBER

Form PTO-1390 (REV 5-93)

Our Ref.: 146.1286

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
PCT/JP96/03333
SHIMURA et al
Serial No.:
Filed: Concurrently Herewith
For: CARTILAGE/BONE...REPARATION

PCT Date: November 14, 1996

600 Third Avenue
New York, NY 10016
Dated: May 13, 1998

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please amend this application as follows:

IN THE CLAIMS:

Claims 4 and 5, line 2 of each, cancel "either one of claims 1-3" and insert --claim 1--.

Please add the following claims:

--8. The method of claim 7 wherein the polyoxyethylene-polyoxypropylene glycol has a molecular weight of about 1,500 to 4,000 and an ethyleneoxide content of about 40 to 80% per molecule.--

--9. The method of claim 8 wherein the glycol is about 10 to 50% by weight of an aqueous solution.--

--10. The method of claim 7 wherein the bone morphogenetic protein is BMP-2.--

--11. The method of claim 7 wherein the bone morphogenetic protein is MP52.--

REMARKS

The amendment is filed to conform the claim dependency to the U.S. practice and to add dependent method claims.

Respectfully submitted,
BIERMAN, MUSERLIAN AND LUCAS

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Enclosure: Return Receipt Postcard

SPECIFICATION

CARTILAGE/BONE INDUCING MATERIALS FOR PREPARATION

Field of the Invention

The present invention relates to a cartilage and bone morphogenetic repairing material for the treatment of bone fracture and bone defect. In more detail, this invention is concerned with the cartilage and bone morphogenetic repairing material which contains a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein.

Background of the Invention

For repairing cartilages and bones, in addition to autoplasty, there has been practiced a procedure in which a prosthetic material for defected sites of cartilage and bone composed of a combination of a bone morphogenetic protein and a suitable carrier was imbedded in the defected site. In practicing this, the defected site can be exposed on surgical operation to apply a cartilage and bone repairing material containing a bone morphogenetic protein directly to the defected site, and thus the materials in a solid form such as blocks, sponges, sheets and the like which are easy to handle have been widely applied. Those in a semisolid form such as gels or pastes can also be used. As the carriers which make such solid or semisolid forms applicable, there have been utilized, for example, metals such as stainless or titanium alloys or collagen and hydroxyapatite (HAP) or a mixture thereof.

On the other hand, an attempt has been made to administer a

bone morphogenetic protein for the treatment of bone fracture or osteoarthritis without requiring any surgical operation. This administration mode has been earnestly desired from a viewpoint that non-invasive administration, namely injection mode, would alleviate pains from patients. However, the injection route of a simple aqueous liquid preparation of a bone morphogenetic protein causes diffusion and disappearance of the drug after administration, and so in order to achieve an effective administration, the bone morphogenetic protein should be retained in the injected site over a certain period of time. In view of the above, there has been envisaged a carrier which may be in a liquid state capable of passing through a needle on administration and then phasetransited to a gel-like state after administration to retain the bone morphogenetic protein in the injected site. Preferably, the carrier may have non-toxicity, a good bio-compatibility and a high bio-absorption in a living body.

Collagen is a known carrier for a bone morphogenetic protein and is confirmed to possess favorable bio-compatibility and bio-absorption (Japanese Patent Publication No. 75425/1993). Collagen with an injectable character has also been reported, which may provide an injectable cartilage and bone morphogenetic material (Japanese Patent Publication Nos. 23322/1995 and 53140/1993). However, collagen now available for the use of medicines is derived from natural sources such as cattle or a pig, so that its properties such as a molecular weight, an amino acid composition and a moisture holding property are not always constant. In addition, it has some side-effects such as antigenicity because it is a heterologous protein to human. In

particular, antigenicity cannot be completely eliminated even when atelocollagen; i.e., collagen from which teropeptide sites are removed, is used (J. American Academy of Dermatology 10, 638-646 and 647-651, 1984 and ibid. 21, 1203-1208, 1989).

On the other hand, it was reported that biodegradable polymers such as polylactic acid or polylactic acid-glycolic acid copolymers can be used as pharmaceutical carriers (U.S. Patent No. 5,385,887 and Japanese Patent Publication No. 22570/1994). However, the biodegradable polymers are in a solid or semisolid state which may maintain a given form, and in view of this, they are classified as a group of applicable materials to surgical operation. Even if an injectable complex can be prepared using such biodegradable polymers, an organic solvent should be employed during the preparation process, which may easily anticipate the problem of inactivation of the active ingredient, a bone morphogenetic protein.

Detailed Description of the Invention

It is an object of this invention to provide a cartilage and bone morphogenetic repairing material, which can overcome the prior art disadvantages or drawbacks as discussed above, which have a high bio-absorption and a good affinity to the active ingredient or a bone morphogenetic protein, and which show the sustained disposition of a bone morphogenetic protein by causing a temperature dependent sol-gel reversible transition with less side-effects such as antigenicity and so on.

The present inventors have made earnest studies on the relationship between the active ingredient, a bone morphogenetic protein, and a carrier therefor in the case of a bone repairing

method without surgical operation and have found that a certain class of polyoxyethylene-polyoxypropylene glycols can show a high bio-absorption, a good affinity to a bone morphogenetic protein and temperature dependent sol-gel reversible transition. The present inventors have prepared a bone morphogenetic material by mixing an aqueous polyoxyethylene-polyoxypropylene glycol solution and a bone morphogenetic protein, which is an injectable liquid at a temperature of from 1°C to 30°C at the time of administration and may be gelatinized at around 37°C within 3 minutes after administration. They have found that ectopic cartilage and bone morphogenesis are accomplished by administering said material to mice intramuscularly at the femoral muscle and then retaining a bone morphogenetic protein at the administration sites in vivo, upon which this invention has been completed.

This invention is concerned with a cartilage and bone morphogenetic repairing material which contains a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein.

The polyoxyethylene-polyoxypropylene glycol(s) as used herein is a generic name of nonionic surface active agents of a polymer type having less hydrophilic polypropylene glycols as a hydrophobic group and ethylene oxide as a hydrophilic group. It may be feasible to prepare surface active agents having various properties by changing a molecular weight of the polypropylene glycol and a mixing ratio thereof to the ethylene oxide. The synthesizable polyoxyethylene-polyoxypropylene glycols have a molecular weight of the polypropylene glycol in the range of 900-4,000 and a percent by weight of the ethylene oxide in the

total molecule of 5%-90%. For instance, the polyoxyethylene-polyoxypropylene glycol block polymers (ADEKA®) manufactured by Asahi Denka Kogyo K.K. are systematically named according to a molecular weight of polypropylene glycol and a weight ratio of the ethylene oxide to be added and the classification list thereof is shown in Fig. 1.

Industrial utilization of polyoxyethylene-polyoxypropylene glycols includes aperients, ointment bases, artificial blood, coating for tablets, excipients, solubilizers or solubilizing agents for injections and others in the field of pharmaceutics, in addition to the use as general cleaning agents or antifoamings. In particular, Pluronic F-68 (a molecular weight of polypropylene glycol of 1,750 and an ethylene oxide content of 80%) has a remarkable antihemolytic action and has been marketed in the name of EXOCOPOL® from the Green Cross Corporation as an additive for extracorporeal circulation of blood. It is apparent from the results of toxicity tests using various animals that polyoxyethylene-polyoxypropylene glycols have extremely low toxicity and low irritative property, with no reports on possible side-effects such as antigenicity and so on (Fragrance Journal, 7, 82-87, 1974). The results of toxicity tests are shown in Table 1.

Table 1

Results of acute toxicity tests using ADEKA® Pluronics

ADEKA® Pluronics	Animal species	LD_{50}(g/kg)
L-44, L-62, L-64	Rats	5
F-68	Mice	>15
F-68	Rats, Rabbits, Dogs	No acute toxicity
P-85	Rats	34.6

Polyoxyethylene-polyoxypropylene glycols are superior in terms of handiness to collagen showing non-reversible phase-transition by changes in temperatures in the point that they show reversible sol-gel phase-transition. This property may be controlled by selection of the optimum polyoxyethylene-polyoxypropylene glycol for the temperature to develop the phase-transition and by changing the concentration of an aqueous solution of said polyoxyethylene-polyoxypropylene glycol (Int. J. Pharm. 22, 207-218,1984 and EP 0551626A1).

It is obvious from the foregoing that polyoxyethylene-polyoxypropylene glycols have a superior nature as a drug carrier. Attempts have already been made to combine them with a low molecular weight drug such as local anesthetics, anticancer agents and so on (Int. J. Pharm. 8, 89-99, 1981 and Chem. Pharm. Bull. 32, 4205-4208, 1984) and to admix with a high molecular weight physiologically active protein such as interleukins and the like (Pharm. Res. 9, 425-434, 1992).

This invention relates to a cartilage and bone morphogenetic repairing material which contains a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein, wherein the polypropylene glycol as a constituent of said polyoxyethylene-polyoxypropylene glycol has a molecular weight of about 1,500-4,000 and an ethylene oxide content of about 40-80%/molecule. Within the above ranges, there will be provided the Pluronics capable of performing temperature--dependent sol-gel reversible transition, which characterized the present Pluronics.

Moreover, this invention relates to a cartilage and bone

morphogenetic repairing material wherein a concentration of polyoxyethylene-polyoxypropylene glycols as described above in an aqueous solution is about 10-50%. It is known that the reversible phase transition temperature of polyoxyethylene-polyoxypropylene glycols varies in general depending on the concentration of their prepared aqueous solutions, and the polyoxyethylene-polyoxypropylene glycols within the above-mentioned constituent ranges may gelate at around body temperature, i.e., about 37°C at a concentration of about 10-90% in its aqueous solution. As the most preferable example, there is prepared the polyoxyethylene-polyoxypropylene glycol block polymer aqueous solution of 15-30% concentration having a molecular weight of polypropylene glycol of 3,850 and a ethylene oxide content of 70% (Pluronic F-127).

The bone morphogenetic protein (BMP) as used herein is the protein having an activity to induce undifferentiated mesenchymal cells to cartilage cells, thereby performing bone morphogenesis.

The bone morphogenetic proteins used in this invention include, but are not limited to, a series of proteins belonging to the TGF-ß gene superfamily such as BMP-2 to BMP-9 and so on, the protein named MP52, the protein named GDF-5 and the like. Particularly preferable BMP-2 is a protein produced using Chinese hamster ovary (CHO) cells according to the genetic engineering technology reported by Wang, et al. (Proc. Natl. Acad. Sci. USA, 87, 2220-2224, 1990 and U.S. Patent No. 4,877,864), and particularly preferable MP52 is a new protein produced according to the genetic engineering technology suggested by the present inventors (our copending Japanese

Patent Application No. 93644/1995). This new protein can be produced by constructing a plasmid containing the DNA sequence coding the amino acid sequence as shown in SEQ ID No.:1 of the Sequence Listing derived from MP52 and having added the codon coding methionine at the N-terminal of said DNA sequence; transforming the plasmid into E. coli; incubating the E. coli to obtain an inclusion body; and solubilizing and purifying the inclusion body to obtain a monomer protein, which is then dimerized and purified.

An aqueous solution of 15-30% polyoxyethylene-polyoxypropylene glycol block polymer containing as an active ingredient BMP-2 or MP52 was intramuscularly injected to mice at the femoral muscle. MP52 was retained at the administered sites and then an ectopic cartilage and bone morphogenesis ability was observed in vivo.

There has not yet been reported to date an injectable cartilage and bone morphogenetic repairing material comprising a polyoxyethylene-polyoxypropylene glycol in combination with a bone morphogenetic protein which may be useful for repair of cartilage and bone, especially as a treating agent for bone fracture.

The present invention is further concerned with a cartilage and bone repairing agent containing a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein.

Moreover, the present invention is concerned with a method of treatment for a cartilage and bone repairing, by which a cartilage and bone morphogenetic agent comprising a polyoxyethylene-polyoxypropylene glycol in combination with a bone morphogenetic protein is administered locally to the site

of bone fracture or bone defect of human or animal.

Brief Explanation of Drawings

Fig. 1 is a classification figure for ADEKA® Pluronics, wherein an ethylene oxide content in terms of % by weight in a total molecule of a polyoxyethylene-polyoxypropylene glycol is indicated on the abscissa, while a molecular weight of the component polypropylene glycol in a polyoxyethylene-polyoxypropylene glycol is indicated on the ordinate.

Fig. 2 is soft X-ray photographs of the bone/cartilage calcified tissues of the femur in the right hind leg of the mouse as obtained by Example 4. The photographs (a) and (b) were taken after 2 weeks from the administration of ADEKA® Pluronic F-127 solely and ADEKA® Pluronic F-127 containing MP52, respectively. The apparently blackened parts in the muscle indicate ectopically formed bones.

Fig. 3 is microscopic photographs of the stained tissues of the non-decalcified sections of the femur of the right hind leg of the mouse as obtained by Example 4. Formations of bone matrices and bone matrices together with osteoblasts and of bone marrows can be confirmed by von-Kossa staining (a) and Hematoxylin-Eosin staining (b), respectively.

Fig. 4 is a plasmid map of the expression vector of the protein MP52 as obtained by Reference Example 1 (2).

Description of the Preferred Embodiments

The effects of this invention will be illustratively explained by way of the following Examples and Reference Examples. However, this invention is not to be restricted by

these Examples.

Example 1 Preparation of cartilage and bone morphogenetic repairing material containing BMP-2

ADEKA® Pluronic F-127 (Asahi Denka Kogyo K.K.) is known to be one of the least toxic polyoxyethylene-polyoxypropylene glycols ("SEIYAKU KOJO" 6, 875-880, 1986). In 7.0 g of distilled water for injection was dissolved under ice-cooling 3.0 g of ADEKA® Pluronic F-127 to prepare a 30% aqueous solution of ADEKA® Pluronic F-127. The aqueous solution of ADEKA® Pluronic F-127 was poured portionwise under ice-cooling to a 96-well titer plate at 360 µl/well, 40 µl of 0.01 N HCl containing 80 µg of BMP-2 was added to each well and mixed. The mixture was sterilized by passing through a 0.22 µm filter at 4°C to form a BMP-2 injection of a total volume of about 400 µl (a final concentration of ADEKA® Pluronic F-127 of 27%). Similarly, the BMP-2 injections having final concentrations of ADEKA® Pluronic F-127 of 10, 15, 18 and 22.5% were prepared.

It was found that injection was feasible at 5°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 27%, at 10°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 22.5%, or at 25°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 10%-18%, while the ADEKA® Pluronic F-127 injection phase-transited to a gel-like state at 37°C was a preparation having a final concentration of 15% or higher. Accordingly, the most preferable is a preparation of ADEKA® Pluronic F-127 with the final concentration of 18%, which was in a liquid state at room temperature and showed a gelatinized state at 37°C.

Example 2 Preparation of cartilage and bone morphogenetic

repairing material containing MP52

The MP52 injections having final concentrations of ADEKA® Pluronic F-127 of 10, 15, 18, 22.5 and 27% were prepared according to the same procedure as described in Example 1. The same injectable preparations as described for the case of the BMP-2 was obtained according to MP52; that is to say, the injectable preparations applicable at 5°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 27%, at 10°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 22.5%, or at 25°C or lower in the case of the final concentration of ADEKA® Pluronic F-127 of 10%-18%.

Example 3 Residual rates of MP52 in vivo after administration of cartilage and bone morphogenetic repairing material

The ^{125}I-labeled MP52 injections having the final concentrations of ADEKA® Pluronic F-127 of 18, 22.5 and 27%, which had been prepared following the same method and formulation as Example 2 except that ^{125}I-labeled MP52 was further added, were intramuscularly administered to male mice (ICR strain, 8 weeks old) under anesthesia at the femur of the right hind leg at 100 µl using a 23G needle (about 37KBq ^{125}I-MP52/site) and then the radioactivity in the right hind leg was counted at 0.5, 2 and 8 hours after administration. The injection of an ^{125}I-MP52 aqueous solution was used as a control. The results are shown in Table 2.

Table 2

^{125}I-MP52 residual rates at the right hind leg after administration of ADEKA® Pluronic F-127 preparations (ADEKA® Pluronic F-127 final concentration of 18%)

or aqueous liquid preparation

Time (hr)	Pluronic preparation	Aqueous liquid preparation
0.5	60.5%	32.7%
2	19.7%	13.8%
8	14.9%	7.9%

It was clearly shown in Table 2 that MP52 when a polyoxyethylene-polyoxypropylene glycols were used as a pharmaceutical carrier could apparently be retained more as compared with the case where a simple MP52 aqueous solution was injected. Also, similar results were obtained using the injection of Example 1.

Example 4 Pharmacological effect on ectopic cartilage and bone morphogenesis

The MP52 injection of ADEKA® Pluronic F-127 final concentration of 18% as prepared in Example 2 was intramuscularly administered to male mice (ICR strain, 8 weeks old) under anesthesia at the femur of the right hind leg at 100 µl using a 23G needle (20 µg MP52/site). The ADEKA® Pluronic F-127 injection containing no MP52 was used as a control. Cartilage and bone formation was determined after two weeks from the administration. The mice were sacrificed by vertebral cervical dislocation and the right hind leg of the administration site was cut off and bone formation at the administration site was examined by using a soft X-ray irradiator. The results are shown in Fig. 2 (n=5). As apparent from the soft X-ray images, no shadow was observed in the muscles at the administration site in the case of ADEKA® Pluronic F-127 only (Fig. 2-a), while clear shadow was observed in 80% or more of the animals with ADEKA® Pluronic

F-127 containing MP52 (Fig. 2-b).

And then, after taking images using soft X-ray, the specimens were kept in 10% formalin and histologic examination was carried out. The microscopic photograph of the stained tissue of the mouse seen at the right end in Fig. 2-b is shown in Fig. 3. In Fig. 3, deposition of calcium was observed at the shadowed portion by von-Kossa staining (Fig. 3-a) and osteoblasts, bone matrices and bone marrows were confirmed by Hematoxylin-Eosin staining (Fig. 3-b), whereby bone formation was confirmed. No inflammatory reaction was observed. In these figures, bone matrix, osteoblast and bone marrow are abbreviated as BM, OB and MA, respectively.

Similar test was carried out using the BMP-2 injection having a 18% final concentration of ADEKA® Pluronic F-127 to give similar results.

From the aforesaid results, safety and usefulness of a polyoxyethylene-polyoxypropylene glycol were confirmed when used as a carrier for the bone forming factor.

Referential Example Production of new protein MP52

1. Construction of vector

(1) Isolation of variant MP52 mature part

Human MP52cDNA was amplified by polymerization chain reaction (PCR) of the mature part only, using the plasmid vector containing cDNA described in WO93/16099 (pSK52s) as a template DNA.

A part of the DNA of the mature type MP52 gene was substituted according to the method for increasing in the productivity of the desired protein by increasing the AT content

around the initiation codon ATG (reported by M. Nobuhara et al., Agric. Biol. Chem., 52 (6), 1331-1338, 1988).

Substitution was carried out according to the PCR method using an orthodromic PCR primer of SEQ ID NO.:2. The DNA sequence of the PCR primer utilized the DNA described in SEQ ID NO.:2 as an orthodromic primer and that described in SEQ ID NO.:3 as an antidromic primer.

PCR was carried out by adding in the same test tube the template DNA (10 ng), 50 picomoles each of the orthodromic and antidromic PCR primers, dNTP (0.2 mmol) and $MgCl_2$ (1.5 mmol), together with Taq DNA polymerase (5 U).

The PCR of 30 cycles was performed, each cycle comprising denaturation (94°C, one minute), primer annealing (55°C, one minute) and primer elongation (72°C, 2 minutes) (All the following PCRs were performed under the above-defined conditions.).

The product from the PCR method was separated by electrophoresis in 1.5% low-melting agarose (available from FMC) to cut out the DNA composed of about 360 bp corresponding to the amino acid sequence of SEQ ID NO.:1, which is defined as Fragment 1.

(2) Construction of E. coli expression vector for the present protein

In order to increase the replication number of plasmid, the replication origin was altered from pBR cell line to pUC cell line. The tac promoter region of commercially available E. coli expression vector pKK223-3 (purchased from Pharmacia Biotech AB) was digested by the restriction enzymes SspI and EcoRI, treated with Mung Bean Nuclease (Takara Shuzo K.K., Catalogue No. 2420A), ligated to the initiation codon site of Fragment 1 with

T4DNA Ligase (Takara Shuzo K.K., Catalogue No. 2011A), and the rrnBT_1T_2 terminator region of pKK223-3 was digested with the restriction enzymes SalI and SspI, ligated to the termination codon site of Fragment 1 digested with SalI, integrated into the SmaI site of pUC18 to construct the expression vector for the production of the present protein [pKOT245 (Fig. 4)] which was depositted (Accession Number Bikokenki FERM-P P-14895) at the National Institute of Bioscience and Human-Technology (NIBH), Agency of Industrial Science and Technology located in 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken, Japan on April 14, 1995, and transferred to a deposit (Accession No. BIKOKEN-KI BP-5499) on April 10, 1996 according to Budapest Treaty on the International Recognition of the Deposit of Microorganisms. The DNA of pKOT245 has a length of 3.7 kb. The expression vector for the present protein as constructed was determined for its base sequence by means of Pharmacia ALF DNA sequencer.

(3) Transformation

Transformation was performed according to the rubidium chloride method by Kushner et al. (Genetic Engineering, p. 17, Elsevier (1978)). That is to say, pKOT245 was migrated into a host E. coli W3110M according to the above-mentioned procedure to prepare the E. coli capable of producing the present protein.

2. Cultivation

(1) Cultivation

The present protein producing E. coli was precultured in modified SOC medium (Bacto tryptone 20 g/l, Bacto yeast extract 5 g/l, NaCl 0.5 g/l, $MgCl_2 \cdot 6H_2O$ 2.03 g/l, Glucose 3.6 g/l) and 100 ml of the mycelium suspension was added to 5 L of the productive medium (Bacto tryptone 5 g/l, Citric acid 4.3 g/l,

K_2HPO_4 4.675 g/l, KH_2PO_4 1.275 g/l, NaCl 0.865 g/l, $FeSO_4 \cdot 7H_2O$ 100 mg/l, $CuSO_4 \cdot 5H_2O$ 1 mg/l, $MnSO_4 \cdot nH_2O$ 0.5 mg/l, $CaCl_2 \cdot 2H_2O$ 2 mg/l, $Na_2B_4O_7 \cdot 10H_2O$ 0.225 mg/l, $(NH_4)6Mo_7O_{24} \cdot 4H_2O$ 0.1 mg/l, $ZnSO_4 \cdot 7H_2O$ 2.25 mg/l, $CoCl_2 \cdot 6H_2O$ 6 mg/l, $MgSO_4 \cdot 7H_2O$ 2.2 g/l, Thiamine HCl 5.0 mg/l, Glucose 3 g/l) and then cultured with stirring and aeration in a 10 L culture tank and isopropyl-ß-D-thiogalactopyranoside was added at a concentration of 1 mM at the stage of a logarithmic growth phase (OD_{550}=5.0) and then cultivation was continued until the OD_{550} reached 150. During the cultivation, the temperature was controlled to 32°C and a pH value was adjusted to 7.15 by adding ammonia, while a dissolved oxygen concentration was controlled to 50% of air saturation by increasing a stirring speed to prevent any reduction in the dissolved oxygen concentration. On the other hand, cultivation was carried out by adding a 50% glucose solution at 0.2% concentrations using as a standard a rapid increase in the dissolved oxygen concentration in order to keep a high mycelium concentration.

(2) Preparation of E. coli inclusion body

The cultured broth obtained as above was centrifuged to recover the mycelium, which was then suspended in 25 mM Tris-HCl buffer containing 10 mM ethylenediaminetetraacetic acid (pH 7.3) and then bacteria were broken by means of a mycelium breaking apparatus (available from Gohlin Co., Inc.) and centrifuged again to recover the precipitate containing the inclusion body.

3. Purification

(1) Solubilization of E. coli inclusion body

The E. coli inclusion body was washed thrice with 1% Triton X-100 and then centrifuged at 3,000 X g at 4°C for 30 minutes.

The precipitate thus obtained was solubilized under ultrasonification with 20 mM Tris-HCl buffer, pH 8.3, 8 M urea, 10 mM DTT and 1 mM EDTA.

(2) Purification of monomer

The solubilized liquid thus obtained was centrifuged at 20,000 X g at 4°C for 30 minutes to recover the supernatant. The resultant supernatant was passed through SP-Sepharose FF (Pharmacia) which had been equilibrated with 20 mM Tris-HCl buffer (pH 8.3), 6 M urea, and 1 mM EDTA, washed with said solution and then eluted with said solution containing 0.5 M sodium chloride. To the eluate were added Na_2SO_3 and $Na_2S_4O_6$ at the respective final concentrations of 111 mM and 13 mM and sulfonation was carried out at 4°C for 15 hours. The sulfonated solution was gel-filtrated with Sephacryl S-200 (Pharmacia) which had been equilibrated with 20 mM Tris-HCl buffer (pH 8.3), 6 M urea, 0.2 M sodium chloride and 1 mM EDTA to obtain a single sulfonated protein monomer of the invention.

(3) Refolding

To a solution of the sulfonated protein monomer of the invention was added a 9 times volume of 50 mM Na-Glycine buffer (pH 9.8), 0.2 M sodium chloride, 16 mM CHAPS, 5 mM EDTA and 2 mM GSH (glutathione of reduced type) and 1 mM GSSG (glutathione of oxidized type), and then the mixture was stirred at 4°C for one day to perform refolding.

(4) Purification of dimer

The sample was diluted into a two-times volume of purified water and then added by 6 N NaCl adjusting pH to approximately pH 7.4 and placed to isoelectric precipitation. The precipitation collected by centrifugation at 3,000 x g for 20

minutes was solubilized in a solution with 30% acetonitrile containing 0.1% TFA. The solution was diluted in to a two-times volume of purified water and loaded on RESOURCE RPC column (Pharmacia) of a reverse-phase HPLC which had been equilibrated with 25% acetonitrile containing 0.05% TFA, and then eluted with a linear gradient of 25-45% acetonitrile containing 0.05% TFA. The eluate was monitored at 280 nm absorbance. The purified homodimer protein fractions were collected and lyophilized by Speedback Concentrator (Servant Co.).

(5) Determination of physico-chemical properties of the preset purified protein

(a) Analysis of N-terminal amino acid sequence

The present purified protein obtained as above was analyzed for the N-terminal amino acid sequence by mean of an amino acid sequencer, Model 476A (Applied Biosystems) to confirm the amino acid sequence from the N-terminal up to the 30th amino acid as shown in SEQ ID NO.:1 of the Sequence Listing.

(b) Analysis of amino acid composition

The present purified protein obtained as above was investigated by means of an amino acid analyzer [PICO TAG System (Waters Co., Ltd.)]. The results are shown in Table 3 wherein the numerical indication means the number of the amino acid residue per monomer.

Table 3

Amino acid	Practical No.	Estimated No.
Asx	11.5	12
Glx	10.9	11
Ser	8.4	9
Gly	4.3	4

His	4.0	4
Arg	7.7	7
Thr	5.4	6
Ala	7.3	7
Pro	10.2	10
Tyr	2.9	3
Val	5.7	7
Met	5.1	4
1/2Cys	2.6	7
Ile	4.9	6
Leu	10.0	10
Phe	4.0	4
Lys	5.9	6
Trp	-	2
Sequenece length		119

-: undetectable

(c) Analysis by electrophoresis

The molecular weight of the present purified protein obtained above was confirmed by means of SDS-PAGE under non-reductive conditions to show a molecular weight of about 28KDa.

It has been proved from the results shown in the aforesaid items (a), (b) and (c) that the present protein is a protein consisting of 119 amino acid residues simply starting from the N-terminal of Pro.

Industrial Utilization

The cartilage and bone morphogenetic repairing material according to the invention can be applied to the affected site in the bone fracture therapy requiring no surgical operation in a

simple and painless manner due to a high bio-absorption, a favorable affinity to the active ingredient, i.e., a bone morphogenetic protein, and a temperature dependent sol-gel reversible transition. Thus, the drug effect of a bone morphogenetic protein may be sustained and further a cartilage and bone morphogenetic repairing material with less side-effects may be provided.

[Sequence Listing]

SEQ ID NO.:1

SEQUENCE LENGTH:119

SEQUENCE TYPE:amino acid

TOPOLOGY:linear

MOLECULE TYPE:peptide

FRAGMENT TYPE:N-terminal fragment

ORIGINAL SOURCE:

ORGANISM:homo sapiens

PROPERTIES:human embryo

SEQUENCE FEATURE :

LOCATION:

OTHER INFORMATION:amino acid sequence from 383 to 501 in MP52 amino acid sequence

SEQUENCE DESCRIPTION:

```
CCA CTG GCC ACT CGC CAG GGC AAG CGA CCC AGC AAG AAC CTT AAG GCT   48
Pro Leu Ala Thr Arg Gln Gly Lys Arg Pro Ser Lys Asn Leu Lys Ala
                  5                  10                  15

CGC TGC AGT CGG AAG GCA CTG CAT GTC AAC TTC AAG GAC ATG GGC TGG   96
Arg Cys Ser Arg Lys Ala Leu His Val Asn Phe Lys Asp Met Gly Trp
              20                  25                  30

GAC GAC TGG ATC ATC GCA CCC CTT GAG TAC GAG GCT TTC CAC TGC GAG   144
Asp Asp Trp Ile Ile Ala Pro Leu Glu Tyr Glu Ala Phe His Cys Glu
          35                  40                  45

GGG CTG TGC GAG TTC CCA TTG CGC TCC CAC CTG GAG CCC ACG AAT CAT   192
Gly Leu Cys Glu Phe Pro Leu Arg Ser His Leu Glu Pro Thr Asn His
      50                  55                  60

GCA GTC ATC CAG ACC CTG ATG AAC TCC ATG GAC CCC GAG TCC ACA CCA   240
Ala Val Ile Gln Thr Leu Met Asn Ser Met Asp Pro Glu Ser Thr Pro
  65                  70                  75                  80

CCC ACC TGC TGT GTG CCC ACG CGA CTG AGT CCC ATC AGC ATC CTC TTC   288
Pro Thr Cys Cys Val Pro Thr Arg Leu Ser Pro Ile Ser Ile Leu Phe
                  85                  90                  95

ATT GAC TCT GCC AAC AAC GTG GTG TAT AAG CAG TAT GAG GAC ATG GTC   336
Ile Asp Ser Ala Asn Asn Val Val Tyr Lys Gln Tyr Glu Asp Met Val
              100                 105                 110

GTG GAG TCG TGT GGC TGC AGG                                      357
Val Glu Ser Cys Gly Cys Arg
          115
```

SEQ ID NO.:2

SEQUENCE LENGTH:27

SEQUENCE TYPE:nucleic acid
STRANDNESS:single
TOPOLOGY:linear
MOLECULE TYPE:other nucleic acid
ORIGINAL SOURCE:none
ORGANISM:none
CELL LINE:none
SEQUENCE FEATURE: orthodromic PCR primer for isolation of mature type MP52
SEQUENCE DESCRIPTION:
ATAATGCCAC TAGCAACTCG TCAGGGC 27

SEQ ID NO.:3
SEQUENCE LENGTH:26
SEQUENCE TYPE:nucleic acid
STRANDNESS:single
TOPOLOGY:linear
MOLECULE TYPE:other nucleic acid
ORIGINAL SOURCE:none
ORGANISM:none
CELL LINE:none
SEQUENCE FEATURE: antidromic PCR primer for isolation of mature type of MP52
SEQUENCE DESCRIPTION:
CGTCGACTAC CTGCAGCCAC ACGACT 26

What is claimed is:

1. A cartilage and bone morphogenetic repairing material which comprises a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein.

2. The cartilage and bone morphogenetic repairing material as claimed in claim 1, wherein the polypropylene glycol as a constituent of said polyoxyethylene-polyoxypropylene glycol has a molecular weight of about 1,500-4,000 and an ethylene oxide content of about 40-80%/molecule.

3. The cartilage and bone morphogenetic repairing material as claimed in claim 2, wherein a concentration of said polyoxyethylene-polyoxypropylene glycol in an aqueous solution is about 10-50%.

4. The cartilage and bone morphogenetic repairing material as claimed in either one of claims 1-3, wherein said bone morphogenetic protein is BMP-2.

5. The cartilage and bone morphogenetic repairing material as claimed in either one of claims 1-3, wherein said bone morphogenetic protein is MP52.

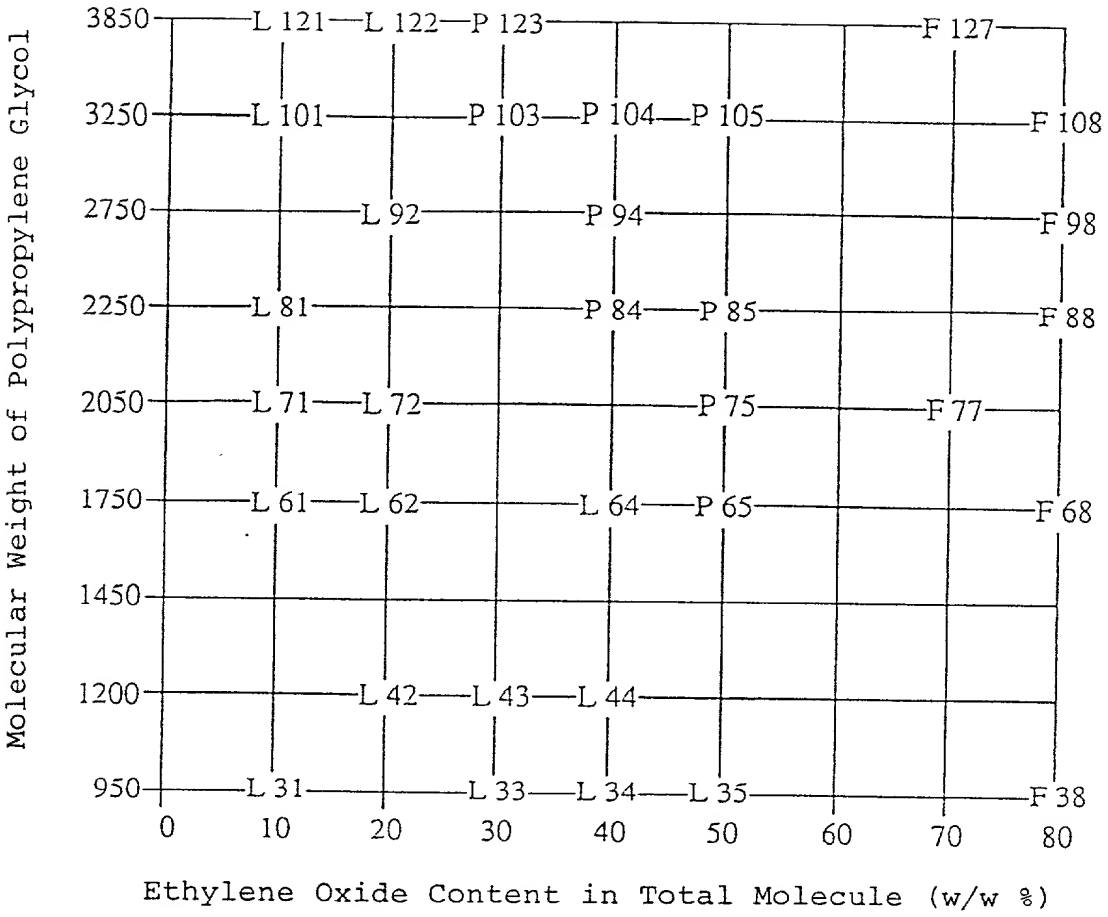
6. A cartilage and bone repairing agent comprising a polyoxyethylene-polyoxypropylene glycol and a bone morphogenetic protein.

7. A method of treatment for a cartilage and bone repairing, whereby a cartilage and bone morphogenetic agent comprising a polyoxyethylene-polyoxypropylene glycol in combination with a bone morphogenetic protein is administered locally to the site of bone fracture or bone defect of human or animal.

ABSTRACT

A cartilage and bone morphogenetic repairing material which contains a bone morphogenetic protein and a polyoxyethylene-polyoxypropylene glycol. In particular, it is preferable that a molecular weight of a polypropylene glycol, i.e., a component of said polyoxyethylene-polyoxypropylene glycol, being in the range of about 1,500-4,000 and a weight ratio of ethylene oxide being in the range of 40-80%/molecule, and a concentration of said polyoxyethylene-polyoxypropylene glycol in an aqueous solution being about 10-50%.

It may be applied in a cartilage and bone morphogenetic method requiring no surgical operation and which comprises a bone morphogenetic protein and a carrier having a high bio-absorption, a good affinity to the bone morphogenetic protein and capable of temperature dependent gel-sol reversible transition. It is convenient to apply locally to the site of bone fracture or bone defect with efficient treatment effect.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1450
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L 121
L 122
P 123
F 127
L 101
P 103
P 104
P 105
F 108
L 92
P 94
F 98
L 81
P 84
P 85
F 88
L 71
L 72
P 75
F 77
L 61
L 62
L 64
P 65
F 68
L 42
L 43
L 44
L 31
L 33
L 34
L 35
F 38
0
10
20
30
40
50
60
70
80
Ethylene Oxide Content in Total Molecule (w/w %)

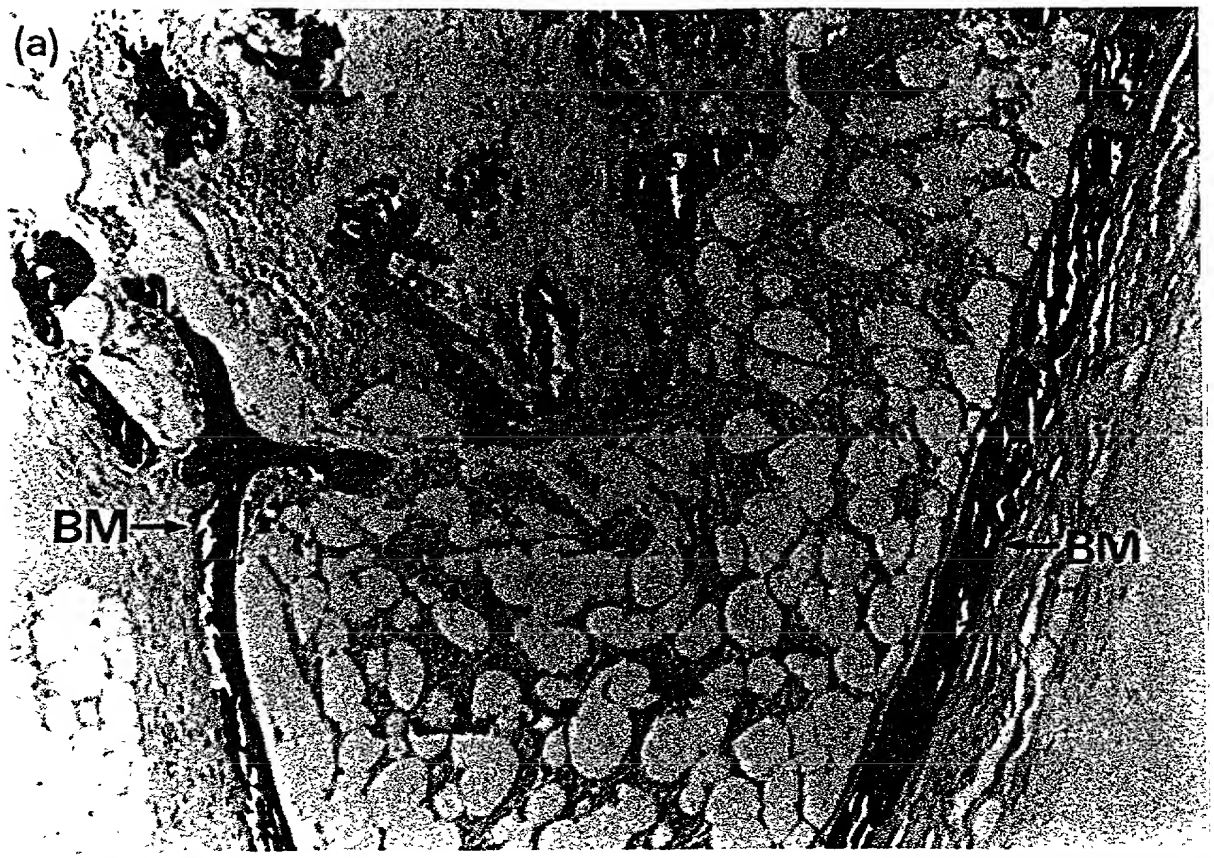
F I G. 1

(a)

(b)

Fig. 2

(a)



(b)

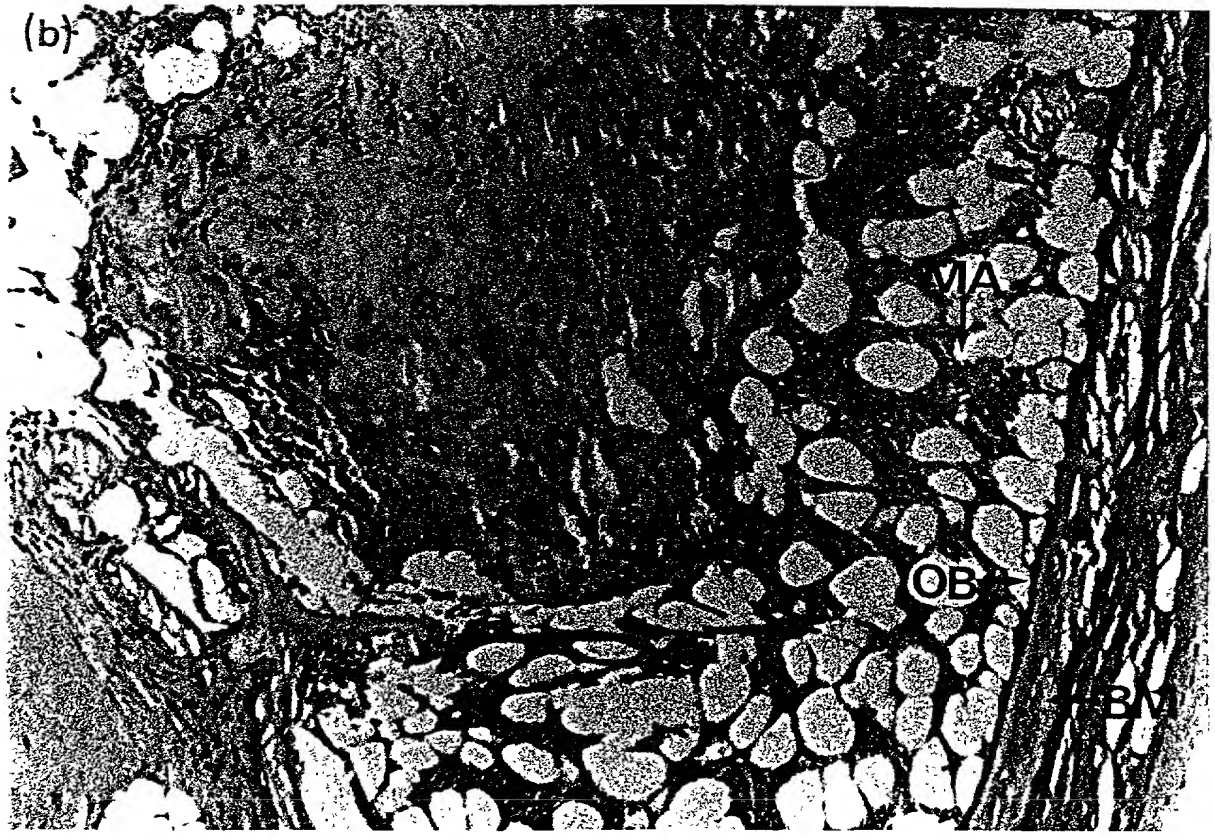
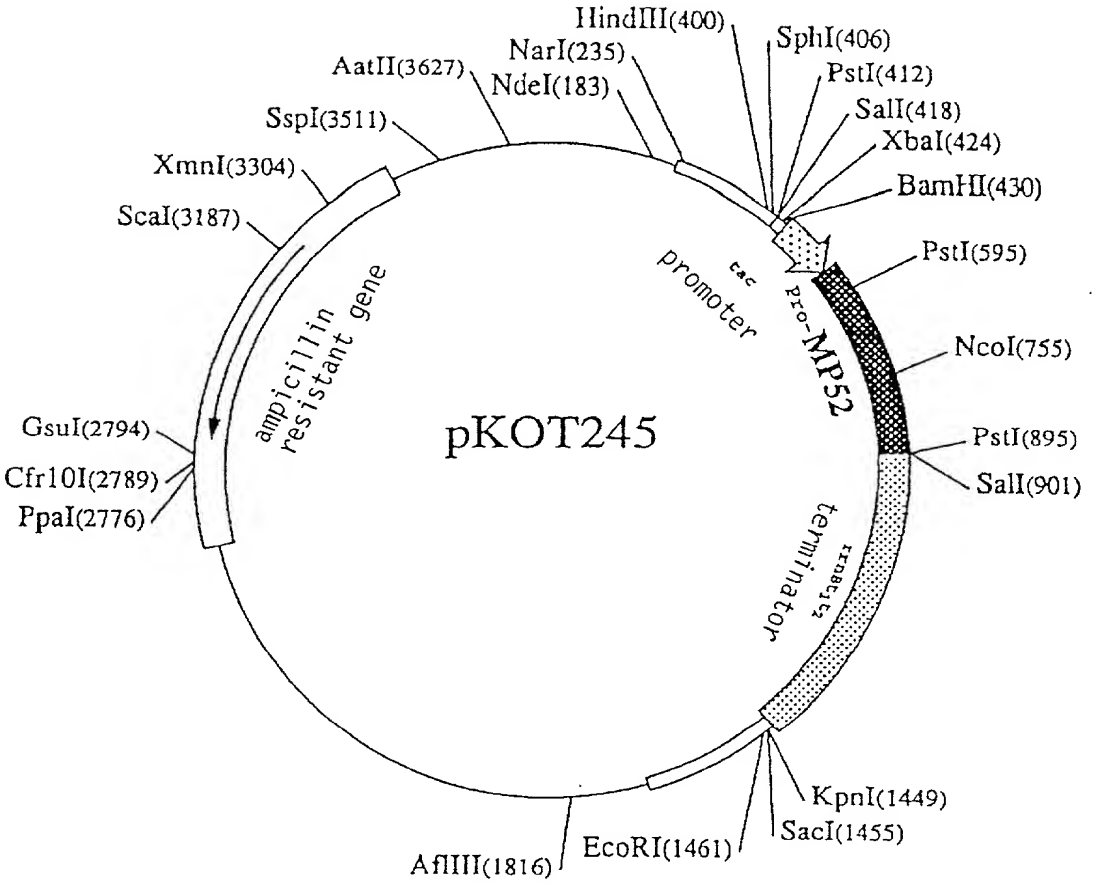


Fig. 3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SphI(406)
NarI(235)
PstI(412)
AatII(3627)
NdeI(183)
SalI(418)
SspI(3511)
XbaI(424)
XmnI(3304)
BamHI(430)
ScaI(3187)
PstI(595)
tac
promoter
pro-MP52
ampicillin
resistant gene
NcoI(755)
pKOT245
GsuI(2794)
PstI(895)
Cfr10I(2789)
SalI(901)
PpaI(2776)
terminator
transc.
KpnI(1449)
SacI(1455)
AflIII(1816)
EcoRI(1461)

F I G. 4

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

[X] Declaration Submitted with Initial Filing OR [ ] Declaration Submitted after Initial Filing

Attorney Docket Number	146.1286
First Named Inventor	SHIMURA et al
COMPLETE IF KNOWN	
Application Number	PCT/JP96/03333
Filing Date	November 14, 1996
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CARTILAGE/BONE INDUCING MATERIALS FOR REPARATION

(Title of the Invention)

the specification of which

[ ] is attached hereto

OR

[X] was filed on (MM/DD/YYYY) November 14, 1996 as United States Application Number or PCT International Application Number PCT/JP96/03333 and was amended on (MM/DD/YYYY) _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56

I hereby claim foreign priority benefits under Title 35 United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
7/322402	Japan	11/17/95	[ ]	[ ]	[X]
PCT/JP96/03333	Japan	11/14/96	[ ]	[ ]	[ ]
			[ ]	[ ]	[ ]
			[ ]	[ ]	[ ]
			[ ]	[ ]	[ ]
			[ ]	[ ]	[ ]

[ ] Additional foreign application numbers are listed on a supplemental priority sheet attached hereto

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below

Application Number(s)	Filing Date (MM/DD/YYYY)	
		[ ] Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

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DECLARATION

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number *(if applicable)*

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Name	Registration Number	Name	Registration Number
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Jordan B. Bierman	18,629		
Charles A. Muserlian	19,683		
Donald C. Lucas	31,275		

☐ Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

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Address	600 Third Avenue				
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Country	U.S.A.	Telephone	(212) 661-8000	Fax	(212) 661-8002

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor: ☐ A petition has been filed for this unsigned inventor

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Post Office Address	c/o Hoechst Marion Roussel Ltd., Preclinical Development Laboratories, 3-2, Minamidai 1-chome, Kawagoe-shi, Saitama-350-11 Japan						
Post Office Address							
City	Saitama	State		Zip	350	Country	Japan

☒ Additional inventors are being named on supplemental sheet(s) attached hereto

Please type a plus sign (+) inside this box → [+]

DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

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Post Office Address					
City	Saitama	State		Zip	350	Country	Japan

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

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Inventor's Signature		Date			
Residence: City		State		Country		Citizenship	
Post Office Address					
Post Office Address					
City		State		Zip		Country	

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

Given Name		Middle Initial		Family Name		Suffix e.g. Jr.	
Inventor's Signature		Date			
Residence: City		State		Country		Citizenship	
Post Office Address					
Post Office Address					
City		State		Zip		Country	

Name of Additional Joint Inventor, if any: ☐ A petition has been filed for this unsigned inventor

Given Name		Middle Initial		Family Name		Suffix e.g. Jr.	
Inventor's Signature		Date			
Residence: City		State		Country		Citizenship	
Post Office Address					
Post Office Address					
City		State		Zip		Country	

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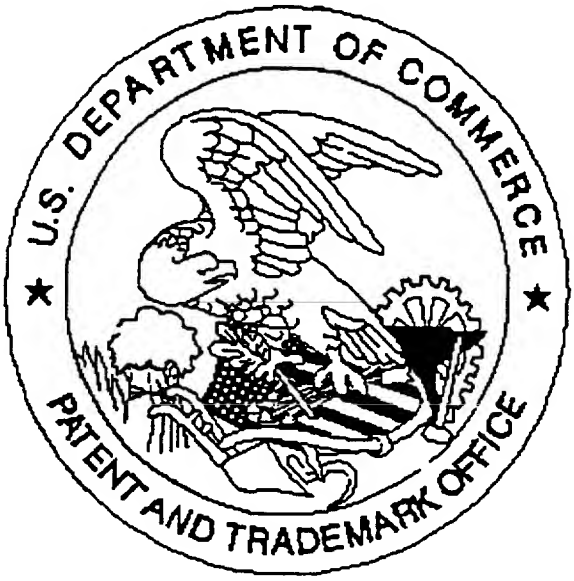

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